

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

Item #2 Budgeting of the Food Stamp Program Standard Utility Allowance

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held October 15, 2003, as follows:

October 15, 2003
State Office Building #9
744 P Street, Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The CDSS will adjourn the hearings immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on October 15, 2003.

The CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice and the proposed regulations are also available online at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief, Office of Regulations Development, California Department of Social Services, 744 P Street, MS 7-192, Sacramento, California 95814

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CHAPTERS

Manual of Policies and Procedures (MPP) Division 63 (Food Stamp Program), Chapter 63-500 (Eligibility Determinations), Section 63-502 (Income, Exclusions and Deductions).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The United States Department of Agriculture, Food and Nutrition Service (FNS) released Administrative Notice (AN) 02-23 dated February 2, 2002, clarifying existing federal regulations at 7 Code of Federal Regulations (CFR) Section 273.9(d)(6)(iii)(F) that provide that states do not have the option to prorate the Standard Utility Allowance (SUA) when household members share utility expenses (heating or cooling) with excluded individuals (e.g. ineligible noncitizens).

As a result of the clarification provided by FNS, the CDSS issued All County Letter (ACL) 02-55, dated July 22, 2002, stating that effective October 1, 2002, the procedures for budgeting of the SUA would be updated to allow a household with an excluded member to claim the full SUA.

These proposed regulations align the state regulations with the federal regulations for budgeting of the SUA.

Also, throughout these proposed regulations, the term "alien" is being changed to the more appropriate term "noncitizen." This editorial correction is necessary for clarity and consistency with terminology now used in the federal regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies, county welfare departments, or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because these regulations implement the Federal mandate contained in 7 Code of Federal Regulations (CFR) Section 273.9(d)(6)(iii)(F).

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, 10604 and 11369. Subject regulations implement and make specific 7 CFR 273.9(d)(6)(iii)(F).

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586
Backup: Steve Smalley (916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Tiffany Jones (916) 654-1905
Backup: J. Patrick Sutherland (916) 654-1896

AGENDA ITEMS FOR THIS PUBLIC HEARING – October 15, 2003

ITEM #1	ORD #0902-23	CCL – Criminal Record Exemption Regulations
ITEM #2	ORD #1202-27	Budgeting of the Food Stamp Program Standard Utility Allowance
ITEM #3	ORD #0403-09	Interim Closure or Removal Pending Arrest Investigation
ITEM #4	ORD #0703-17	CalWORKs 180-Day Family Reunification Extension